IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**
**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 20143 of 2004**

Between:

1. G.Kotaiah, s/o Sri G.Lakshmaiah, r/o INTUC New Luther Church, Eastern Colony, Srisailam Project, Kurnool District-518 102.

**..... PETITIONER**

AND

1. Government of Andhra Pradesh rep., by its Principal Secretary, Irrigation Department, Secretariat, Hyderabad.
2. Superintending Engineer, Daam Maintenance Circle, N.S.R.S.Project, Kurnool District-518 102.
3. Executive Engineer, Camps and Buildings Division, Sanjeevareddy Sagar Project, Srisailam Dam, Kurnool District.
4. Deputy Executive Engineer,G&E Sub-Division No.II, N.S.R.S.Project, Srisailam, Kurnool District-518 002.

**…..RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more appropriately a writ of mandamus (a) declaring the proceedings No. SE/DMC/AB/AC2/E/22-P/1146M dated 20-8-2001, Lr.No. SE/DMG/ AB/AC2/ E/22.P/1735M dated 10-12-2001 of 2nd respondent as illegal and arbitrary, (b) to treat the my case as a case voluntary retirement and pay all consequential benefits thereof, alternatively (c) in any case that I am entitled for payment of terminal benefits on par with other employees by setting aside the orders of Andhra Pradesh Administrative Tribunal in O.A.No.8650 of 2002 dated 8-10-2002.

**Counsel for the Petitioner: SMT.D.LALITHA PRASAD**

**Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.**

**The Court at the stage of admission made the following :**

ORAL ORDER:

(Per the Hon'ble Sri Justice Goda Raghuram)

The petitioner was working as a Grade-I Pump Operator in the Sanjeevareddy Sagar Project, Srisailam Dam of the Irrigation Department, Kurnool District. On 01-08-2001 he submitted his resignation to the Superintending Engineer, Dam Maintenance Circle, N.S.R.S. Project, Srisailam Project, and requested that his resignation be accepted as he intends to contest in the forthcoming Gram Panchayat elections as Gram Panchayat President from his native village Sanikavaram village of Prakasam District. This was accepted by the competent authority with effect from 01-08-2001 and the acceptance orders were communicated to the petitioner in the Proceedings dated 20-08-2001. Thereafter on 08-11-2001, he made another application seeking leave to permit him to go on voluntary retirement with effect from 03-08-2001. This latter request was rejected by the Proceedings of the Superintending Engineer concerned, dated 10-12-2001 on the ground, *inter alia* that as his resignation was already accepted with effect from 01-08-2001 by the orders dated 20-08-2001, permitting him to proceed on voluntary retirement does not arise. Aggrieved, he filed O.A.No.8650 of 2002 before the A.P. Administrative Tribunal, which was rejected by the order dated 08-10-2002.

The Tribunal on the basis of the plea of the petitioner called for the records and was satisfied on a perusal that the petitioner had submitted his resignation on 01-08-2001, which was duly accepted and the acceptance communicated to the petitioner. The Tribunal also found no truth in the assertions of the petitioner that he had in fact, submitted a letter seeking voluntary retirement. On these findings of fact, the O.A. was dismissed. Aggrieved thereby, the writ petition is filed.

On behalf of the petitioner, reliance was placed on the last paragraph of the Proceedings of the Superintending Engineer dated 10-12-2001 to suggest that it was the petitioner's application for voluntary retirement with effect from 03-08-2001, which was rejected by the Proceedings dated 10-12-2001. In fact, a perusal of the letter dated 10-12-2001 in its entirety makes it clear that his prayer for voluntary retirement was rejected substantially on the ground that his request of resignation

was already accepted with effect from 01-08-2001 by the Proceedings dated 20-08-2001, which was communicated to the petitioner.

There are absolutely no merits in the writ petition, no infirmity in the order of the Tribunal impugned herein and no occasion for any interference. The writ petition does not deserve admittance and is accordingly, dismissed at the stage of admission. No costs.

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J.Chelameswar, J

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Goda Raghuram, J

8th November, 2004.

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To

1. The Principal Secretary, Irrigation Department,Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Superintending Engineer, Daam Maintenance Circle, N.S.R.S.Project, Kurnool District-518 102.
3. The Executive Engineer, Camps and Buildings Division, Sanjeevareddy Sagar Project, Srisailam Dam, Kurnool District.
4. The Deputy Executive Engineer,G&E Sub-Division No.II, N.S.R.S.Project, Srisailam, Kurnool District-518 002.
5. Two CCs to the G.P. for Command Area Deveopment, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.